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09/826,557	04/05/2001	Akira Oomori	CANO:023	5306

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ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826

EXAMINER	
DANG, KHANH	

ART UNIT	PAPER NUMBER
2111	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,557	OOMORI, AKIRA	
	Examiner	Art Unit	
	Khanh Dang	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Fujino (6,476,935).

With regard to claims 1, 10, 19, and 20, Johnson et al. discloses a data communication apparatus comprising input means for inputting data to be transmitted to at least one of a plurality of destinations (keypad 14, for example); transmitting means for transmitting the same data to the plurality of destinations by the respective different transmission protocols (in Johnson, the same data can be transmitted to a plurality of transmission paths to a plurality of destinations; see also Figs. 2 and 3 and description thereof); and control means (see col. 2, lines 60-67; col. 5, lines 1-6) connected to the input means (keypad 14, for example) and the transmitting means (in Johnson, the same data can be transmitted to a plurality of transmission paths to a plurality of destinations; see also Figs. 2 and 3 and description thereof) for designating a plurality of destinations for same data to be transmitted to the destinations by the respective different transmission methods and for managing information (in Johnson et al., the transmission status, for example, can be managed/updated, see col. 2, lines 60-67; col.

5, lines 1-6) relating to the transmission made by the transmitting means by associating a same predetermined identifier to each of the plurality of transmissions of the same data , or in another word, the ID of each transmission remains the same during a data transmission (as a matter of fact, Johnson discloses that each job number can be queried at regular intervals to obtain updated status information while transmitting the files to selected destinations, see at least column 2, lines 60-67), wherein the transmitting means transmits the same data to the plurality of destinations designated by the control means by the respective different transmission methods (in Johnson, the same data can be transmitted to a plurality of transmission paths to a plurality of destinations; see also Figs. 2 and 3 and description thereof).

Johnson does not disclose that a same predetermined identifier is associated with all of the plurality of transmissions of the same data.

However, the use of a same predetermined identifier associated with all of the plurality of transmissions of the same data is old and well-known as evidenced by the acknowledged prior art (Fujino). Fujino discloses the use of multicast transmission for transmitting a single original image to a plurality of destinations and the use of a common management information upon simultaneously transmitting identical data to a plurality of destinations. In particular, as disclosed by Fujino, the image file management information includes a destination data management table, a start address 302 of transmission data stored in the image memory (DRAM) 5, and a busy indication switch 303 including flags each indicating whether or not a corresponding line is busy, as shown in FIG. 3. The destination data management table 301

manages the destination names to which transmission is to be done, facsimile numbers, and the like in units of destinations, and has flag fields each indicating whether or not transmission has been done, in units of destinations. See at least col. 5, lines 12-21. Thus, at least the destination data management table 301 including management table, address field and flags constitutes "a same identifier to all of the plurality of transmissions of the same data." Fujino also discloses interruption of data transmission to one of the plurality of destinations. See at least column 1, lines 46-50.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Johnson with a same predetermined identifier associated with all of the plurality of transmissions of the same data, as taught by Fujino, for the purpose of at least improving data transmission efficiency (see Fujino, column 10, lines 41-62).

With regard to claim 2, the device of Johnson et al. further comprises display means (58) for displaying a list based on the information managed by the managing means.

With regard to claim 3, it is clear that in Johnson et al., data can be transmitted using at least one transmission method of E-mail and FTP (File Transfer Protocol).

With regard to claim 4, it is clear that at least the scanner (10) of Johnson et al. is readable as a reader for reading images on originals and generating image data corresponding to the images. It is also clear from Johnson et al.; and that data from the reader can be provided to the input means.

With regard to claim 5, see at least Figs. 2 and 3, and description thereof).

With regard to claim 6, it is clear that a user is able to provide instructions to the system of Johnson et al.

With regard to claims 7-9, it is clear from Johnson et al. that a user is able to stop/interrupt data transmission associated with a particular transmission method and identified by their IDs; and change the destination of the transmission data. See at least col. 3, lines 63 to col. 5, line 28. It is clear data transmission must stopped/interrupted first before changing transmission destination.

With regard to claims 11-18, 21, and 22, see discussion above.

Response to Arguments

Applicants' arguments filed 12/06/2005 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997)*. In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

The Johnson in view of Fujino 103 Rejection:

At the outset, it is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With regard to Johnson (primary reference), Applicants argue that "Johnson, however, transmits the same image data via the same transmission protocol and does not disclose or teach using a same predetermined identifier associated with all of the transmissions of the same data. As Johnson lacks the above-identified claimed features, the examiner applied Fujino for the proposition that using a same predetermined identifier associated with all of the transmissions of the same data would have been obvious."

Contrary to Applicants' argument, data is transmitted to a plurality of destination by respective different transmission protocols. In particular, Johnson discloses "using the electronic data to create a respective electronic data file for each receiver destination, each file being converted to a data form appropriate to its corresponding receiver destination; and transmitting the electronic data files to their respective receiver

destinations" (emphasis added, see claim 1 of Johnson). Johnson further discloses that "the step of selecting a plurality of heterogeneous receiver destinations comprises selecting at least one receiver destination of at least two types chosen from a group consisting of a host workstation, a fax machine, a server, an e-mail server, and a JetSend.TM. receiver" (see claim 6 of Johnson). Johnson also discloses that "[a] useful feature provided on some scanners enables a user electronically to send a scanned document to a specific receiver destination. Communications protocols such as Hewlett-Packard's JetSend.TM. technology can be employed to make such communication possible. JetSend.TM. acts as on-board "intelligence," allowing various devices to communicate directly with other JetSend.TM. -enabled devices. The JetSend.TM. technology resides in device firmware or PC software. It allows two devices to connect, negotiate data types, provide status updates about device operation and exchange information without user intervention. The JetSend.TM. protocol can be built into any information appliance, regardless of device function" (emphasis added, see Johnson's background of the invention, 1st paragraph). In addition, Johnson discloses that "[t]he scanner can communicate with each receiver destination to determine the type and availability of each receiver destination. The receiver destinations can be of at least two types chosen from a group consisting of a host workstation, a fax machine, a server, an e-mail server, a printer, or any JetSend.TM. -enabled receiver device" (see Johnson's summary of the Invention, third paragraph). In the originally filed specification, under Summary of the Invention, Applicants state that "the transmitting means is capable of transmitting data using at least one transmission method of E-mail and FTP (File

Transfer Protocol)." As a matter of fact, Applicants also concede that "[a] data communication apparatus that is capable of transmitting image data obtained by reading images from originals with a scanner to destinations by a plurality of transmitting methods (transmission protocols) such as E-mail, FTP (File Transfer Protocol) and Database, has been conventionally available for practical use" (see Applicants' Related Background Art, 1st paragraph). Thus, it is clear from the discussion above that Johnson indeed discloses that the same data is transmitted to a plurality of destination by respective different transmission protocols.

With regard to Fujino (secondary reference), Applicants argue that "Fulino discloses a data communication apparatus that simultaneously transmits identical data to a plurality of destinations using a plurality of lines/data channels. Fujino also does not teach using different transmission protocols to transmit the same data. Moreover, even if the lines/data channels were to correspond to different transmission protocols for argument's sake, Fujino would net have disclosed or taught associating the same predetermined identifier to all of a plurality of transmission of me identical data."

At the outset, it is noted that Fujino (secondary reference) is used as a secondary reference in the above 103 rejection for its disclosure the use of multicast transmission for transmitting a single original image to a plurality of destinations and the use of a common management information upon simultaneously transmitting identical data to a plurality of destinations. In particular, as disclosed by Fujino, the image file management information includes a destination data management table, a start address 302 of transmission data stored in the image memory (DRAM) 5, and a busy

indication switch 303 including flags each indicating whether or not a corresponding line is busy, as shown in FIG. 3. The destination data management table 301 manages the destination names to which transmission is to be done, facsimile numbers, and the like in units of destinations, and has flag fields each indicating whether or not transmission has been done, in units of destinations. See at least col. 5, lines 12-21. Thus, at least the destination data management table 301 including management table, address field and flags constitutes "a same identifier to all of the plurality of transmissions of the same data." Fujino also discloses interruption of data transmission to one of the plurality of destinations. See at least column 1, lines 46-50.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Johnson with a same predetermined identifier associated with all of the plurality of transmissions of the same data, as taught by Fujino, for the purpose of at least improving data transmission efficiency (see Fujino, column 10, lines 41-62).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 571-272-3626.

Khanh Dang